

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CAROL BERGIN,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 10-2289
	:	
TEAMSTERS LOCAL UNION NO. 77,	:	
Defendant.	:	
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ORDER

AND NOW, this 3rd day of February, 2011, upon review of Defendant's Motion to Dismiss [Doc. No. 2], Plaintiff's response [Doc. No. 4], and Defendant's reply [Doc. No. 8], and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion is **GRANTED** in part and **DENIED** in part. Plaintiff's due process claim is **DISMISSED** for failure to state a claim upon which relief may be granted. Plaintiff's state law claim that Defendant breached its duty of fair representation is **REMANDED** to the Court of Common Pleas for Delaware County.

The Clerk of Court is **DIRECTED** to **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.